

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROSAURA CARRILLO-VELASQUEZ,

Defendant.

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CASE NO. 8:10CR80

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Findings and Recommendation (Filing No. 58) of a Magistrate Judge recommending that I: not accept the Defendant's plea of guilty to Count II of the Indictment; and proceed to trial on all three counts of the Indictment. There is no plea agreement in this case.

Pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 11.2(d), the Court has conducted a de novo review of the record. This case is scheduled for trial on November 23, 2010. The time frame does not allow for receipt of a transcript of the plea hearing, even on an expedited basis. Therefore, I have reviewed the audio recording of the change of plea hearing.

Judge Thalken found and concluded: the plea is knowing, voluntary, and intelligent; a factual basis for the plea exists; Federal Criminal Rule of Procedure 11 and other applicable provisions regarding the submission of a guilty plea have been satisfied; and the required petition to enter a guilty plea was completed. The defendant is aware that the government intends to proceed to trial on Counts I and III of the Indictment.

In light of Judge Thalken's findings after a very thorough inquiry at the change of plea hearing, the Defendant's awareness that she faces trial of the remaining counts of the

Indictment, and the government's representation that the plea to Count II will result in less trial time, the Court will accept the plea to Count II and proceed to trial on Counts I and III.

IT IS ORDERED:

1. The Findings and Recommendation (Filing No. 58) is overruled;
2. The plea to Count II of the Indictment is accepted; and
3. This case will proceed to trial as scheduled on Counts I and III of the Indictment.

DATED this 17th day of November, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge